



#3

DECLARATION, POWER OF ATTORNEY, AND PETITION

Attorney Docket No.: HOE-676

Page 1 of 2

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

INTERVERTEBRAL NUCLEUS PROSTHESIS AND SURGICAL PROCEDURE FOR IMPLANTING THE SAME

the specification of which is attached hereto unless the following box is checked:

[X] was filed on January 30, 2002 as United States Application Number 10/060,862 or PCT International Application Number _____ and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Priority Claimed

99/10167	France	August 3, 1999	[X] []
(Number)	(Country)	Month/Day/Year Filed	Yes No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date) - Month/Day/Year

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application
or PCT Parent Number
PCT/EP00/07494

Parent Filing Date
(MM/DD/YYYY)
August 2, 2000

Parent Patent Number
(if applicable)

The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from Hoefer, Stettin & Partners, Umlandstr. 14 c, D-70182, Stuttgart, Germany, as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

And I hereby appoint: Barry R. Lipsitz, Registration No. 28.637 and Douglas M. McAllister, Registration No. 37,886, of the firm of Barry R. Lipsitz, Attorney at Law, 755 Main Street, Bldg. 8, Monroe, Connecticut 06468, Telephone (203) 459-0200, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Direct all correspondence to: Customer Number or Bar Code Label:

20028

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **Michel**

Gau

Given Name (first and middle, if any)

Family Name or Surname

Inventor's Signature 

Date: **13/05/2002**

Residence **Ouveillan**

France**France**

(City)

(State or Foreign Country)

Citizenship:

La grangette haute, F-11590 Ouveillan, France

Mailing Address

(Street Address)

(City)

(State & Zip Code/Country)